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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,150	02/11/2004	Ashutosh Vyas	26530.94	3076
27683 7590 10/16/2007 HAYNES AND BOONE, LLP 901 Main Street Suite 3100 Dallas, TX 75202			EXAMINER PANNALA, SATHYANARAYAN R	
			ART UNIT 2164	PAPER NUMBER
			MAIL DATE 10/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,150

Applicant(s)

VYAS ET AL.

Examiner

Sathyanarayan Pannala

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10-14, 18-21 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 4-9, 15-17 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. attached.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Applicant's argument during the telephone interview held on 9/5/2007, for details see the attached Interview Summary. In this Revised Final Office Action, claims 1-25 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-3, 10-14, 18-21 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harsham et al. (US Patent 6,041,347) hereinafter Harsham, and in view of Nguyen (USPA Pub. 2003/0172145 A1) hereinafter Nguyen.

4. As per independent claims 1, 12 and 20, Harsham teaches a centralized computer network management system that simultaneously configures and monitors in a computer network. The network administrator allowed to describe each network device, computer or groups of network devices and computers can be associated with one or more rules which define configuration parameters (col. 1, lines 48-57). Harsham teaches the claimed, if the list is not empty, creating from the list a set of mapped independent rule blocks (col. 4, lines 25-28). Harsham teaches the claimed, for each block in the set, attempting to determine a position for the new access rule (Fig. 4, col. 5, lines 64-66). Harsham teaches the claimed, removing from the set those blocks for which a position cannot be determined and merging the blocks in the set to form a new independent rule block and inserting the new access rule therein (Fig. 2, col. 4, lines 33-35). Harsham does not explicitly teach creating a new independent block if the list is empty. However, Nguyen teaches the claimed, if the list is empty, creating a new independent rule block and inserting the new access rule (page 15, paragraph [0434]). Nguyen also teaches the claimed, applying the access rules in the list to enforce policies and permissions to control access to various network resources (page 20, paragraph [0508]). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combine the teachings of the cited references because Nguyen's teachings would have allowed Harsham's method to provide all types of providers must position themselves for growth and agility to handle

increasing numbers of subscribers, additional services, and workloads that are more challenging (page 3, paragraph [0030]).

5. As per dependent claims 2, 13 and 21, Harsham teaches the claimed, creating from the list a set of mapped independent rule blocks comprises selecting all blocks in the list having at least one rule that is not disjoint with the new access rule (Fig. 7B, col. 7, lines 59-61).

6. As per dependent claims 3 and 14, Harsham teaches the claimed, attempting to determine a position for the new access rule comprises, comparing each existing rule in the rule block to the new access rule and if all existing rules have been compared against the new access rule and no determination has been made, determining a position for the new access rule that is at the end of the block (Fig. 7A, col. 7, lines 55-58).

7. As per dependent claims 10, 18 and 24, Harsham teaches the claimed, merging the blocks in the set to form a new independent rule block and inserting the new access rule therein comprises: placing all rules from every block in the set which are positioned ahead of the new access rule in front of the new access rule in the new block and placing all rules from every block in the set which are positioned after the new access rule behind the new access rule in the new block (Fig. 2, col. 4, lines 33-35).

8. As per dependent claims 11, 19 and 25, Harsham teaches the claimed, removing an existing rule, wherein the removing includes: searching for the existing rule to be removed based on an identification number associated with the existing rule and removing the rule (Fig. 7A, col. 7, lines 58-59).

9. As per dependent claim 23, Harsham teaches the claimed, determining which of the new access and existing rules has priority is based at least partly on user determined criteria (Fig. 4, col. 5, lines 64-66).

Allowable Subject Matter

10. Claims 4-9, 15-17 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

11. Applicant's arguments filed on 3/1/2007 with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection and details as follows:

- a) Applicant's argument stated as "the prior art reference must teach or suggest all the claim limitations... a set of mapping rule blocks."

In response to Applicant argument, Examiner disagrees, because the prior art by Harsham teaches the limitation as new rule are defined (mapped) based on logical groups of individual machines and groups of machines in the computer network, at col. 4, lines 25-28. Further, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

b) Applicant's argument stated as "It is improper to combine references where the references teach away from their combination."

In response to Applicant argument, Examiner disagrees, because claims were rejected using two references one as a primary reference (Harsham), which teaches mostly and remaining limitation(s) covered the second reference (Nguyen). Further, a *prima facie case of obviousness* is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. Once such a case is established, it is incumbent upon appellant to go forward with objective evidence of unobviousness. In re Fielder, 471 F.2d 640, 176 USPQ 300 (CCPA 1973).

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2164

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Sathyanarayan Pannala
Primary Examiner

srp
September 30, 2007